

COOK

74-C-302

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Jury demand date: 8-12-74 (defts) Denied

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<div>B</div> <div>UNITED STATES OF AMERICA</div> <div>vs</div> <div>753.83 Acres of Land, more or less, situate in Washington County, State of Oklahoma, and Estate of Eugene C. Mullendore, Jr., deceased, et al</div>		<div>For plaintiff:</div> <div>Nathan G. Graham, U. S. Attorney</div> <div>Hubert A. Marlow, Asst. U. S. Atty.</div> <div>460 U. S. Courthouse</div> <div>Tulsa, Ok. 74103</div> <div><div>For defendant:</div><div>Seagal V. Wheatley</div><div>Oppenheimer, Rosenberg, Kelleher & Wheatley</div><div>711 Navarro</div><div>San Antonio, Tx 78205</div><div>(Mullendore Estate, Kathleen Mullendore, Katsy Mecom)</div><div>512-224-7581</div><div>573-1111</div><div>512-224-7581</div><div>573-1111</div><div>512-224-7581</div><div>573-1111</div></div>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 8-1-74	Clerk				
J.S. 6 mailed 11-1-79	Marshal				
Basis of Action: Condemnation of lands for Copan Lake, Little Caney River, Oklahoma	Docket fee				
	Witness fees				
Action arose at:	Depositions				

B

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-23-74	Declaration of Taking, filed. g	
7-23-74	Complaint, filed. g	
7-23-74	Notice of condemnation, filed. g	
7-23-74	Motion for order for delivery of possession, filed. g	
7-26-74	Order, filed, for Delivery of Possession (AEB-J)jj	
8-9-74	Return on Marshal Service; Served Mrs. Kathleen Mullendore by serving Bill Friend at Pawhuska, OK, on 8-1-74; served Fred E. Craddock by serving Emey Esely at Tulsa, OK, on 7-26-74; Served Linda Vance Mullendore Arrington by serving Emey Esely at Tulsa, OK, on 7-26-74; served E. C. Mullendore, IV - c/o John L. Arrington, Atty. at Tulsa OK, on 7-26-74; served Clint Vance Mullendore by serving Emey Esely at Tulsa, OK on 7-26-74; served Eric Vance Mullendore & Linda Vance Mullendore, Jr. by serving Emey Esely at Tulsa, OK on 7-26-74; served L-B Land & Cattle Co. of OK, Inc. by serving R. Michael Gunn, atty., at Kansas City, MO., on 7-29-74; served Northwestern Mutual Life Ins. Co. by serving Donald Schuenke, atty., at Milwaukee, Wis., on 7-31-74; served Joe R. Jarboe by serving Mrs. Jarboe at Tulsa, OK, on 7-26-74; served Eddie King by serving King Motor Agency at Pawhuska, OK on 8-1-74; served Donald W. Wilson by serving Mrs. Wilson at Bartlesville, OK, on 8-5-74; no service on H. A. Tucker, deceased; served Board of County Commissioners of Washington County by serving Secretary Diana Williams at Bartlesville, OK on 8-5-74; served County Assessor of Washington Co. by serving Maxine Shorter, Deputy, at Bartlesville, OK on 8-5-74; served County Treasurer of Washington Co. by serving Marvin H. Dillingham at Bartlesville, OK on 8-5-74; served State of Oklahoma, ex rel., Oklahoma Tax Commission at Oklahoma City, OK on 7-29-74, filed.k	
8-12-74	Defts' demand for JURY TRIAL, filed.k	
8-12-74	Summons, ret. & filed: served Equitable Life Assurance Soc. of U.S., Ok. City, Ok. 8-8-74.g	
8-16-74	Disclaimer of Def. State of OK, ex rel OK Tax Commission w/ request to be discharged w/ costs, filed.k	
8-23-74	Return on Marshal's service, filed: served Katsy Mullendore Mecom at Houston, Tx. 8-19-74. (USM \$7.08)g	
4-23-75	Order Denying Jury Trial & Appointing Commissioners Ainslie Perrault, Jr., Warren G. Morris, & Vol Boswell W/Ainslie Perrault, Jr., Chairman, filed. mm	
4-29-75	Case set for trial by Commrs., 9:30 a.m., 5-14-75. Notice given. g	
5-6-75	Instructions to Commissioners, filed.(AEB-J)b cps mld	
5-12-75	Case stricken from trial on 5-14-75 and reset for 6-9-75. Notice given.g	
5-23-75	Order changing personnel of Commission, stating that James Goodpasture will replace Vol Boswell, filed. mm (AEB-J) cps mld	
6-9-75	Oath of office of commrs., filed. rm	

D. C. 110A Rev. Civil Docket Continuation

B

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-21-75	Report of Commissioners, filed. jj (Notice given to all parties)	del To Marcano
8-29-75	Objectionf of pltf. to report of commissioners, with brief, filed. g	
9-5-75	Request of defs. John L. Boyd and Mariellen S. Boyd, for admission of facts and genuineness of documents, filed. rm	
9-5-75	Motion of defs. Boyds to shorten time to respond to request for admission, with notice, and affidavit of John L. Boyd, attached.rm	
9-8-75	Objections to Majority Report of Commissioners, filed by Defts., with brief in support of objections attached. v	
9-30-75	Minority Report of Commissioner Warren G. Morris, filed. mm (Notice mld to all parties.)	
10-15-75	Objections to Minority Report of the Defendants, filed. mm	
10-15-75	Brief of Defendants in Support of Objections to Minority Report of Commissioner Morris, filed. mm	
10-22-75	Pltf's Response to Defts' Objs. to Commissioners' Reports, filed.jj	
10-30	Defendants' reply to pltf's document entitled Pltf's Response to defts' objections to Commrs. report, filed. g	
11-14	Transcript of proceedings had on June 9,10,11, 12, 1975 before Commissioners, filed. hm	
12-31-75	Appl. and order, filed, allowing substitution of pages 2, 6, 7 and 11 in the defts' Brief in support of objections to majority report.	
1-13-76	(AEB-J)ph cps. mld. Claim of Commissioners, filed.tc	
2-24	Applic. of debtors in possession for protection and preservation of debtors' assets, filed. hm	
3-1	Agreed order of possession, filed. ph cps mld	
3-3	Order, filed, remanding case to the Commission for reconsideration, filed.jj copies mld.	
3-12	Claim of Commissioners, filed. ph cps mld	
3-22	Response of Landowners to claim of commissioners, filed. g	
5-24	Order for payment to Commissioners, filed. (AEB-J)g	
1-19-77	Mot. by Landowners for w/drawal of deposit, fld. in Open Court. (AEB-J)v	
1-19	Order, fld. in Open Court, granting mot. by Landowners for w/drawal of deposit. (AEB-J)v	
5-2	Supplemental report of Commissioners. fld. Notice with cps. mld. ho	
5-11	Pltf. objections to suppl. rept. of comm. fld. ho	
5-11	Pltf. brief in supp. of objections to suppl. rept. of comm. fld. ho	
5-20	Defts. mot. of landowners to confirm supplemental report of comm. fld. O to J. ho	
7-22	Defts. reply to objections of the USA to the supplemental report of the Commissioners. fld. ho	
7-22	Defts. brief in supp. of reply to obj. of the USA to the supplemental report of the commissioners. fld. ho	

OVER

B

DATE 1977	PROCEEDINGS	Date Order or Judgment Note
12-28	Order, filed, that pltf's objections to the Supplemental Report of the Commrs. is sustained. Further, that the present commrs. be discharged & this case be resubmitted to a new Commission to be named by this Court after the pretrial order has been filed. Further, that the parties pretry this matter, pursuant to Rule 17 of the USDC for the Northern Dist. of OK w/in 20 days from this date & that an agreed pre-trial order be submitted to this Court 10 days thereafter. (AEB-J)k cps mld	
<u>1978</u>		
1-12	Pltf. mot. for enlargement of time to submit a PTO w/brief in supp. fld. ho	
1-12	Order, fld. granting Parties an ext. of time until 2-10-78 to file an agreed PTO. (AEB-J) cps. to movant. ho	
2-10	Pltf. mot. for enlargement of time to submit PTO & brief in supp. of mot. fld. ho	
2-13	MO: The Court has for consideration pltf's mot. for time until 2-24-78 to file pre-trial order & finds that same should be granted. IT IS SO ORDERED. (AEB-J)k cps mld	
2-24	Pre-trial order, filed. (AEB-J)k	
4-5	Order, filed, appointing James R. Eagleton, Chairman, Alfred Saab and Evelyn Baker as Commissioners to try the issue of just compensation. (AEB-J)g	
6-14-78	Case set for trial before land Commissioners at 9:00 A.M. 8-1-78. Notices mailed. g	
9-11-78	Letter, received, from Deft. Counsel giving Clk. authority to release exhibits to his witness, Otis Eversole, for his review prior to the trial of 10-24-78. ho	
10-19-78	Defts. appl. with order striking Commissioners hrg. set for 10-24-78 & reset on 12-11-78, It is so ordered. (AEB-J)ho c/m to movant. <i>Att. by phone</i>	
10-23-78	Defts. mot. for continuance, fld. ho above order grants this.	
11-22-78	MO: Pursuant to the agreement of counsel, & upon oral advice of atty. for Deft., IT IS ORDERED that this case is stricken from the hrg. date of 12-11-78, & reset for hrg. before the dully appt. Commissioners on 3-5-79. (AEB-J)ho c/m to Parties & comm.	
2-27-79	Defts. mot. to stay trial until Pltf. completes condemnation & for order allowing evidence to present values or alternatively to disqualify Pltfs. expert witnesses. fld. ho	
2-28-79	Deft. Landowners mot. for continuance, fld. ho O to J.	
3- 2-79	Order, filed striking case from trial by Commrs. on 3/5/79, to be reset upon application of interested party. (James Eagleton, Chr. of Commissioners)g <i>Ho witness</i>	
3-6-79	Pltf. response to Defts. mot. to stay trial & for other relief, fld. ho	
3-16	MO: Case transferred to Judge H. Dale Cook. (JCS-Clk)k	
3-27	Order, fld, that defts' mot/stay trial until pltf completes condemnation and for order allowing evidence of present values or alternatively to disqualitfy pltf's expert witnesses be OVERRULED. (HDC-J)ra cps mld	
4-16	Case set for trial by Commissioners 5-14-79 at 9 A. M. n/mld. g	
4-18	Order, fld, adopting Instructions to Commrs. filed 5-6-75 as Instructions to present Commission. (HDC-J)g c/mld w/instructions.	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1979			
5-25-		OATH of Office of Commissioners. b	
7-24		REPORT OF COMMISSIONERS. (cpy of rpt & Notice to counsel)g	
7-30		Report for Services Rendered by Land Commr. James R. Eagleton. g	
7-30		Report for Services Rendered by Land Commr. Evelyn Baker. g	
7-30		Report for Services Rendered by Land Commr. Alfred Saab. g	
8-6		LANDOWNER'S OBJECTIONS to Commissioners Report and memo of authorities.	
8-7	MO:	ORDER that pltf file a resp. brief on or before 8-20 to landowner's objections to commissioners' report.(HDC-J)ra c/m	
8-15		RESPONSE of Pltf to Landowners' objections to Commissioners Report & Brief in support. b	
10-4		ORDER, that objections of landowners to Report of Comm. are overruled. FURTHER ORDERED that Report of Comm. be adopted & affirmed by the Court. FURTHER ORDERED that Pltf. prepare & submit Journal Entry of Judgment w/in 10 days from this date.(HDC-J)b cps mld	
10-15		JUDGMENT, ENTERED, that Report of Comm. filed 7-24-79 is confirmed. FURTHER ORDERED that deficiency deposit be made to Registry of Court for disbursement.(HDC-J)b cps mld	
1980 7-22	--	EXHIBITS returned to parties. hm	

CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
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